



August 4, 2000

Ms. Doreen Wheeler  
Assistant General Counsel  
Consumer Credit Commissioner  
2601 North Lamar Boulevard  
Austin, Texas 78705

OR2000-2961

Dear Ms. Wheeler:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 137745.

The Office of Consumer Credit Commissioner (the "OCCC") received a request for five categories of information relating to pawnshops operating under four identified licenses. You identified six types of information, contained in the responsive documents, which might be excepted from required public disclosure. Subsequently, the requestor narrowed his request to exclude five of those types of information you identified as protected, but he still seeks information relating to examinations of licensees. You claim that the requested information is excepted from disclosure under section 552.112 of the Government Code. We assume that you have provided the requestor with all other information he seeks in his revised request. We have considered the exception you claim and reviewed the submitted information.<sup>1</sup>

You assert that information relating to examinations of pawnshop licensees is excepted from required public disclosure by section 552.112. Section 552.112(a) excepts from public disclosure:

---

<sup>1</sup>We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). Here, we do not address any other requested records to the extent that those records contain substantially different types of information than those submitted to this office.

information contained in or relating to examination, operating, or condition reports prepared by or for an agency responsible for the regulation or supervision of financial institutions or securities, or both.

The OCCC is responsible for the regulation of licensees, such as pawnshops, which are "financial institutions" for purposes of section 552.112(a). *See* Open Records Decision Nos. 392 at 3 (1983), 158 at 5-6 (1977). You explain that the submitted information relates to examinations and investigations conducted by the OCCC, which is "responsible for the regulation and supervision of certain financial institutions that loan money to Texas consumers." However, we do not believe that the submitted information is of the type contemplated by section 552.112. It does not consist of a "broad, detailed compilation of information setting forth the complete financial status of the company being investigated." Open Records Decision No. 392 at 4 (1983). The OCCC may not withhold the requested information under section 552.112.

However, one exhibit, Exhibit 7, does contain a Texas driver's license number. Section 552.130(a)(1) of the Government Code requires the withholding of information relating to "a motor vehicle operator's or driver's license or permit issued by an agency of this state." The OCCC must withhold the driver's license number pursuant to section 552.130(a)(1). The OCCC must release the remaining requested information.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

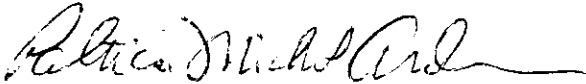
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one

of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Patricia Michels Anderson  
Assistant Attorney General  
Open Records Division

PMA/pr

Ref: ID# 137745

Encl. Submitted documents

cc: Mr. Marcel Weiner  
Weiner, Glass & Reed  
8300 Douglas Avenue  
Suite 730  
Dallas, Texas 75225  
(w/o enclosures)